



IFW

Docket No. 3815.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

APPLICANT : JOE P. SCHELL

SERIAL NO. : 10/773,421                      ART UNIT : 3677

FILED : 02/09/04                      EXAMINER : VICTOR N. SAKRAN

FOR : NECKTIE HOLDER

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS

WASHINGTON, D.C. 20231

Sir:

In an Office action, dated September 17, 2004, claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson (U.S. Pat. No. 2,592,155) in view of Albright (U.S. Pat. No. 2,059,301). A careful review of the references cited by the Examiner indicates that such do not provide a legitimate basis for rejection of claims 1 and 2. Accordingly, the Examiner is asked to reconsider claims 1 and 2 in light of the following remarks.

Claims 1 and 2 are directed toward a necktie holder of uncomplicated construction. The claimed necktie holder calls for a crossbar having a retainer secured to the opposed ends thereof. The retainer is divided into a pair of separable parts and is *arched so that a portion of such is*